

ORDINANCE NO. 2006 - 019

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ELEMENT** (TO INCLUDE INCENTIVES AND CRITERIA FOR THE PRESERVATION OF RECREATIONAL AND COMMERCIAL WORKING WATERFRONT AREAS; TO INCORPORATE POLICIES THAT WILL PREVENT THE LOSS OF COMMERCIAL WATERFRONT MARINE SITES TO WATERFRONT RESIDENTIAL DEVELOPMENT AND WILL ENCOURAGE LOCAL GOVERNMENTS TO ADD SIMILAR POLICIES INTO MUNICIPAL PLANS); THE **RECREATION AND OPEN SPACE ELEMENT** (TO INCLUDE "WATERWAYS" AS ONE OF THE COMPONENTS IN THE LINKED OPEN SPACE NETWORK); THE **COASTAL MANAGEMENT ELEMENT** (TO INCLUDE STRATEGIES TO PRESERVE RECREATIONAL AND COMMERCIAL WORKING WATERFRONT AREAS IN UNINCORPORATED PALM BEACH COUNTY; AND TO ADD A NEW POLICY ENCOURAGING MUNICIPAL GOVERNMENTS TO ESTABLISH SIMILAR POLICIES AND STRATEGIES); THE **LIBRARY SERVICES ELEMENT** (TO REVISE GENERAL TEXT AND OBJECTIVES); AND THE **MAP SERIES** (TO UPDATE MAP LS.1, PALM BEACH COUNTY LIBRARY SYSTEM MAP, TO REVISE MAP LU 3.1, SPECIAL PLANNING AREAS MAP BY ADDING THE BOUNDARIES OF THE PALM BEACH COUNTY / GREENACRES / ATLANTIS STUDY; TO REVISE THE NAME OF THE REVITALIZATION & REDEVELOPMENT OVERLAY TO THE REVITALIZATION & REDEVELOPMENT INFILL OVERLAY ON MAP LU 1.1 - MANAGED GROWTH TIER SYSTEM MAP, TO DELETE MAP ICE 1.1 WESTERN NORTHLAKE BOULEVARD CORRIDOR MAP); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 10, 24 and March 24, 2006 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1 **WHEREAS**, the Palm Beach County Board of County Commissioners, as
2 the governing body of Palm Beach County, conducted a public hearing
3 pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2006
4 to review the recommendations of the Local Planning Agency, whereupon
5 the Board of County Commissioners authorized transmittal of proposed
6 amendments to the Department of Community Affairs for review and
7 comment pursuant to Chapter 163, Part II, Florida Statutes; and

8 **WHEREAS**, Palm Beach County received the Department of Community
9 Affairs "Objections, Recommendations, and Comments Report," dated June
10 23, 2006 which was the Department's written review of the proposed
11 Comprehensive Plan amendments; and

12 **WHEREAS**, on August 21, 2006 the Palm Beach County Board of County
13 Commissioners held a public hearing to review the written comments
14 submitted by the Department of Community Affairs and to consider
15 adoption of the amendments; and

16 **WHEREAS**, the Palm Beach County Board of County Commissioners has
17 determined that the amendments as modified satisfy the concerns
18 addressed in the Department of Community Affairs' "Objections,
19 Recommendations and Comments Report" and comply with all requirements
20 of the Local Government Comprehensive Planning and Land Development
21 Regulations Act.

22 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
23 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

24 **Part I. Amendments to the 1989 Comprehensive Plan**

25 Amendments to the text of the following Elements of the 1989
26 Comprehensive Plan are hereby adopted and attached to this Ordinance
27 in Exhibit 1:

28 **A. Future Land Use Element**, to include incentives and criteria
29 for the preservation of recreational and commercial working
30 waterfront areas; to incorporate policies that will prevent
31 the loss of commercial waterfront marine sites to
32 waterfront residential development and will encourage local
33 governments to add similar policies into municipal plans;

34 **B. Coastal Management Element**, to include strategies to
35 preserve recreational and commercial working waterfront

1 areas in unincorporated Palm Beach County; and to add a new
2 policy encouraging municipal governments to establish
3 similar policies and strategies; and

4 **C. Recreation and Open Space Element**, to include "Waterways" as
5 one of the components in the linked open space network;

6 **D. Library Services Element**, to revise general text and
7 objectives; and

8 **E. Map Series**, to update map LS.1, Palm Beach County Library
9 System Map.

10 **F. Map Series**, to update several maps in the Map Series:

11 1. Delete a map from the Comprehensive Plan Map Series
12 titled "ICE 1.1 Western Northlake Boulevard Corridor
13 Planning Area"

14 2. Add the Palm Beach County/Greenacres/Atlantis Study to
15 the Special Planning Areas Map, LU 3.1.

16 3. Revise the name of the "Revitalization & Redevelopment
17 Overlay" to the "Revitalization & Redevelopment Infill
18 Overlay" on the Managed Growth Tier Systems Map, LU 1.1
19

20 **Part II. Repeal of Laws in Conflict**

21 All local laws and ordinances applying to the unincorporated area
22 of Palm Beach County in conflict with any provision of this ordinance
23 are hereby repealed to the extent of such conflict.

24 **Part III. Severability**

25 If any section, paragraph, sentence, clause, phrase, or word of
26 this Ordinance is for any reason held by the Court to be
27 unconstitutional, inoperative or void, such holding shall not affect
28 the remainder of this Ordinance.

29 **Part IV. Inclusion in the 1989 Comprehensive Plan**

30 The provision of this Ordinance shall become and be made a part
31 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
32 Ordinance may be renumbered or relettered to accomplish such, and the
33 word "ordinance" may be changed to "section," "article," or any other
34 appropriate word.
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APPROVED AND ADOPTED by the Board of County Commissioners of Palm
Beach County, on the 21st day of August, 2006.

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Filed with the Department of State on the 29th day of

August, 2006.

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EXHIBIT 1

A. Future Land Use Element, Waterfront Marine Service Amendment

REVISIONS: To revise and update. The revisions are shown below with the added text underlined, and the deleted text ~~struck-out~~.

Objective 2.1 Balanced Growth

1. **REVISED Policy 2.1-a:** The following future land use designations...
 1. Omitted for Brevity
 2. Omitted for Brevity
 3. Omitted for Brevity
 4. Marine Waterfront Commercial

Objective 2.2 Future Land Use Provisions – General

2. **NEW Sub-Objective 2.2.4 Marine Waterfront Commercial**
Marine Waterfront Commercial (MWC) areas are designated on the Future Land Use Atlas to reflect existing and future commercial working waterfronts uses, as defined in s. 342.07, F.S., and to implement part of the County strategy to preserve and provide regulatory incentives and criteria to encourage the preservation of working recreational and commercial waterfronts. The strategy is described in Policy 1.5-a of the Coastal Management Element.
3. **NEW Policy 2.2.4-a:** The following land uses shall be allowed in areas designated Marine Waterfront Commercial on the Future Land Use Atlas where permitted by the terms of the Unified Land Development Code: wet and dry marinas, docks, wharfs, lifts, boat ramps, boat hauling and repair facilities, commercial fishing facilities, commercial fishing facilities, and other water related services and accessory facilities; and activities that are an integral part and supportive of the main commercial marine uses.
4. **NEW Policy 2.2.4-b:** Parcels with a Marine Waterfront Commercial designation shall not be developed or converted to permanent residential uses. Landowners shall be allowed to petition the Board of County Commissioners to be exempt from this condition under certain circumstances. At a minimum, the petition shall demonstrate one of the following criteria:
 - That lands equally or more suitable for use as Marine Waterfront Commercial can be redesignated in the unincorporated area to ensure that there is no loss of the total working commercial waterfront lands in the County.
 - That the existing Marine Waterfront Commercial uses on the site proposed for conversion to residential uses can be replaced by developing similar land uses on the same parcel or on a different parcel not already designated as Marine Waterfront Commercial, including combinations of on-site and off-site improvements.
 - That a particular parcel of land designated as Marine Waterfront Commercial has limited development or redevelopment potential for Marine Commercial Waterfront uses due to changes in the surrounding area or government regulations related to marine waterfront commercial uses.
5. **NEW Policy 2.2.4-c:** By December of 2007, the Planning Division shall establish and maintain an inventory of all commercial working waterfronts that have been designated as Marine Waterfront Commercial in order to establish and track a no net loss of working commercial waterfronts to residential waterfront development or redevelopment.

B. Coastal Management Element, Waterfront Marine Service Amendment

REVISIONS: To revise and update. The revisions are shown below with the added text underlined, and the deleted text ~~struck-out~~.

Introduction, Purpose

6. (Omitted for Brevity)

It is the intent of the County to promote the responsible management of its coastal area, and to balance the provision of water-related recreational activities and the protection of working commercial waterfronts with the preservation of coastal and natural resources. The proper management and use of this area is necessary for the protection of life and property from natural disasters as well as the conservation of natural resources. Through coordination with federal, state, local agencies and municipalities, a renewed commitment to public education and strict enforcement procedures, the coastal area can be protected to benefit society. The County's Planning, Zoning and Building Department, Department of Environmental Resources Management and the Department of Emergency Management are primarily responsible for guiding implementation of the goals and objectives of this element.

Assessment and Conclusions

7. NEW SUB-TITLE & LANGUAGE: Protection of Waterfront Lands

Water-related activities and sports are part of the daily life in South Florida. Access to public waterfront is an amenity that adds to our quality of life and makes Palm Beach County a desirable place/destination for residents as well as tourists. Current and future population growth will increase the demand for boat ramps, water access, waterfront recreational areas and marine service businesses. Many working waterfronts are experiencing a decline in economic activity due to market forces and demands for waterfront property and other trends affecting small-scale commercial businesses. Consequently, loss of commercial and recreational waterfront to residential development and the relative diminishing access to boat launch facilities may have a long term adverse impact on the quality of life. In addition, escalating prices for coastal property make it difficult for local governments to purchase new access points to meet this growing demand. Moreover, in addition to a deficit of waterfront access and recreational areas, market trends are forcing the conversion of commercial waterfront marine sites to residential development.

Waterfront lands provide a link between land and water that is critical to sustaining a diverse and thriving coastal economy. Both small and large marinas are giving way to residential development as waterfront property values have soared. There is a great concern that if nothing is done to curb this development trend that future losses of waterfront facilities will negatively impact the economy and bring an end to critical marine services such as boatyards, commercial marinas that are available to the public, and trades associated with commercial marina and other water-dependent uses. Most marine commercial waterfront lands are in the municipalities. In order to have an effective "no net loss" policy of existing commercial waterfronts countywide, Palm Beach County shall coordinate with key municipalities that currently have the majority of commercial waterfronts property, and shall also encourage them to incorporate/add similar policy in the comprehensive plans and zoning codes of the affected jurisdictions. These municipalities are Jupiter, Palm Beach Gardens, North Palm Beach, Riviera Beach, Palm Beach Shores, West Palm Beach, Lantana, Hypoluxo, Delray Beach, Pahokee and Belle Glade. Other municipalities with waterfront access not currently dedicated to recreational and commercial waterfront uses may want to join the County and other municipalities in addressing this problem.

GOAL 1 Environmental Resources Management

8. NEW OBJECTIVE 1.5: Protection of Commercial and Recreational Marine Waterfronts

Palm Beach County shall implement a strategy that provides regulatory incentives and criteria to encourage the preservation of recreational and commercial working waterfronts.

9. NEW Policy 1.5-a: The strategy to protect working commercial and recreational private and public waterfronts shall include but not be limited to the following actions:

- 1. Participating in Waterfronts Florida Partnership Program. This program helps participating communities develop a plan to revitalize, renew and promote interest in their waterfront districts;

2. Partnering and working with key municipal governments with jurisdiction over the commercial waterfront areas to ensure that their Comprehensive Plans include provisions and features that protect and preserve existing marine dependent sites;
3. Considering issuing additional bonds to finance the purchase of waterfront property and marine uses through referendum;
4. Adopting provisions which would allow redevelopment only if it maintains or expands commercial and recreational marine waterfront uses consistent with the CME Objective 2.5-Post Disaster Redevelopment;
5. Creating a marine waterfront commercial land use category depicted in the Future Land Use Atlas to reflect existing and future commercial working waterfront uses consistent with s.342.07, F.S.;
6. Creating a commercial waterfront zoning district;
7. Establishing a "no net loss" policy to ensure that the total amount of land devoted to commercial marine services is not reduced over time;
8. Investing directly in property preservation, either through purchase of property or purchase of the development rights to the property;
9. Encouraging Parks and Recreation Department to purchase waterfront lands where feasible, to establish public marinas and related facilities;
10. Considering exploring a concept similar to TDRs to "transfer" marine uses to other suitable sites;
11. Conditioning waterfront residential developers to have or preserve a portion of the site for marinas and /or public access;
12. Using of "canal spillways" connected to the Intra-coastal Waterway to create working waterfronts in coordination with SFWMD and other special districts, including building of docks and other facilities;
13. Incorporating by reference the ERM's Manatee Protection Plan and the Public Boating Needs Assessment Study 2002 from Parks and Recreation Dept. into the Plan to determine current and future boating demand for saltwater and freshwater access; and
14. Securing pedestrian access to waterfronts and enhancing existing waterfronts parks to develop public marinas where feasible, by the county/municipalities.

GOAL 3 Intergovernmental Coordination

10. **NEW Policy 3.1-d:** The County shall partner and work with the municipal governments with jurisdiction over working commercial and recreational waterfront areas to insure that their Comprehensive Plans include provisions and features that protect and preserve existing marine dependent sites and give priority to these uses at suitable waterfront locations.

C. Recreation and Open Space Element, Waterfront Marine Service Amendment

REVISIONS: To revise and update. The revisions are shown below with the added text underlined, and the deleted text ~~struck-out~~.

OBJECTIVE 1.4 - Open Space

- 11 **Policy 1.4-a:** The County shall develop planning strategies for a linked open space network that include but are not limited to consideration of the following components:
 - Conservation Areas and Preserves
 - Environmentally Sensitive Lands
 - Parks and recreational facilities
 - Commercial recreation areas

- Lakes and canal systems
- Bikeways and trails
- Wildlife corridors
- The Florida National Scenic Trail - Lake Okeechobee Segment, and
- Waterways

D. Library Services Element, Library Services Element Revisions

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck-out~~.

1.a) REVISED Introduction Section

Purpose

The purpose of the Library Services Element of the Palm Beach County Comprehensive Plan is to ensure the provision of library services to residents. This Element is optional, not required by Chapter 163, F.S., but has been prepared as pursuant to Rule 9J-5, F.A.C. The standards set in this Element will guide the future development of the Library System. The County is responsible for the funding and operation of the Palm Beach County Library System through the Palm Beach County Library Taxing-District.

B. Assessment and Conclusions

To ensure the quality of service throughout the Library ~~Taxing~~ District, the Library System provides for three levels of service:

1.b) REVISED GOALS, OBJECTIVES AND POLICIES

REVISED GOAL 1 PROVISION OF LIBRARY SERVICES

It is the GOAL of Palm Beach County to provide a Library System throughout the Palm Beach County Library ~~Taxing~~ District that serves the informational, educational, and recreational reading needs of residents of all ages, interests, and circumstances, thereby promoting the broad dissemination of knowledge.

REVISED OBJECTIVE 1.1 Implementation

All public activities concerned with the provision of library service in the Palm Beach County Library ~~Taxing~~ District shall be consistent with the goals, objectives and policies of the Library Services Element and with all other elements of the Palm Beach County Comprehensive Plan.

REVISED OBJECTIVE 1.2 Adequate Library Collection

The Palm Beach County Library System shall adopt Level of Service Standards in order to provide the residents of the Palm Beach County Library ~~Taxing~~ District with a collection of library materials that will serve their informational, educational, and recreational needs by the year ~~2005~~ 2010.

REVISED OBJECTIVE 1.5 Funding

Palm Beach County shall utilize (within the Library ~~Taxing~~ District) alternative methods for funding facilities, equipment, staff and collection acquisition.

2. REVISED B. Assessment and Conclusions

To ensure the quality of service throughout the Library ~~Taxing~~ District, the Library System provides for three levels of service:

- a first tier, through the neighborhood branches;
- a second tier, through regional branches; and
- a third tier, through the ~~central~~ Main Library, which also serves as the final resource for all of the smaller facilities in the District.

~~A total of 15 facilities are currently in place. Collectively, they provide for .36 square feet of space per capita. This is a significant improvement over the .22 square foot level existing in 1989, and this increase was achieved by a first phase of library expansion completed in 1997. A second phase of expansion is necessary to bring the District to the desired, nationally-accepted level of .60 square foot per capita, and to enable the district to meet the anticipated continued population growth. In 1989, the Library System was comprised of eleven locations totaling 112,290 square feet, which represented 0.22 square feet per capita. An additional 104,660 square feet was added as a result of the Library Expansion Program I, which was completed in 1997. This ambitious expansion program increased the number of facilities to fourteen and the square feet per capita to 0.36. The population adjustment brought by the 2000 Census, however, showed that recent renovations and expansions have failed to maintain the 1997 level of service. The level of service for facility space has been eroded by population growth to 0.32 square feet per capita.~~

In 2002, voters overwhelmingly approved the issuance of bonds to help fund the Library Expansion Program II. The \$72 million program will be funded with income from the sale of bonds and impact fee revenues. Scheduled for completion in 2010, the second phase will add four branches for a total of eighteen, 187,705 square feet, and raise the facilities level of service to 0.46 square feet per capita. Despite these efforts, the Library System remains far below the nationally accepted service level of 0.60 square feet per capita. Similarly, additional increases in the holdings, information technology access, and professional and other staff levels are necessary to achieve State-recognized standards and to keep pace with growth.

3. **REVISED Policy 1.1-c:** The Library System shall pursue the means to allow for the provision of equitable access to all library facilities, resources and services within the County by all County residents and to ~~insure~~ ensure equalization of Library Service throughout Palm Beach County.

4. **REVISED OBJECTIVE 1.2** Adequate Library Collection

The Palm Beach County Library System shall adopt Level of Service Standards in order to provide the residents of the Palm Beach County Library Taxing District with a collection of library materials that will serve their informational, educational, and recreational needs by the year ~~2005~~ 2010.

REVISED Policy 1.2-a: The Library System shall provide two holdings per capita by the year ~~2005~~ 2010 to reach the basic service standard as stated in the revised Standards for Florida Public Libraries.

REVISED Policy 1.3-a: The library shall maintain the professional librarian staff at one full time equivalent (FTE) per 7,500 people by ~~2005~~ 2010.

REVISED Policy 1.3-b: The library shall maintain all other staff at 3.35 FTE per professional librarian FTE by 2005 2010.

5. ~~**DELETED Policy 1.3-c:** The Library System shall restore its Human Resources Development Program, including the position of Staff Development Coordinator.~~

6. **REVISED Policy 1.4-a:** ~~The Library will maintain the present level of service for library facility space (0.34 square foot per capita) and will continue to meet the growth in new or additional population with that standard while examining the basis for an increase in the standard and identifying alternative funding sources. At the completion of the second phase of capital expansion in 2010, the Library System shall provide 0.46 square feet of library facility space per capita.~~

7. **REVISED Policy 1.4-c:** The Library shall prepare a needs assessment study in connection with ~~Phase II~~ Phase III of the Library Expansion Program (LEP 3). ~~This study shall include an evaluation of the need to provide services in or near the Exurban Tier.~~

8. ~~**DELETED Policy 1.5-d:** The Library System shall pursue an adjustment to library impact fees on new development to better reflect the full capital cost of increased library demand.~~

9. **REVISED Policy 1.5-ed:** The Library System shall continue the use of volunteers to enhance library service.

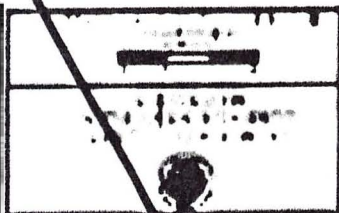
E. Map Series Revisions, Library Services Element Revisions

REVISIONS: To update Map LS 1.1, Palm Beach County Library System Map. The revised map is attached as Exhibit 3.

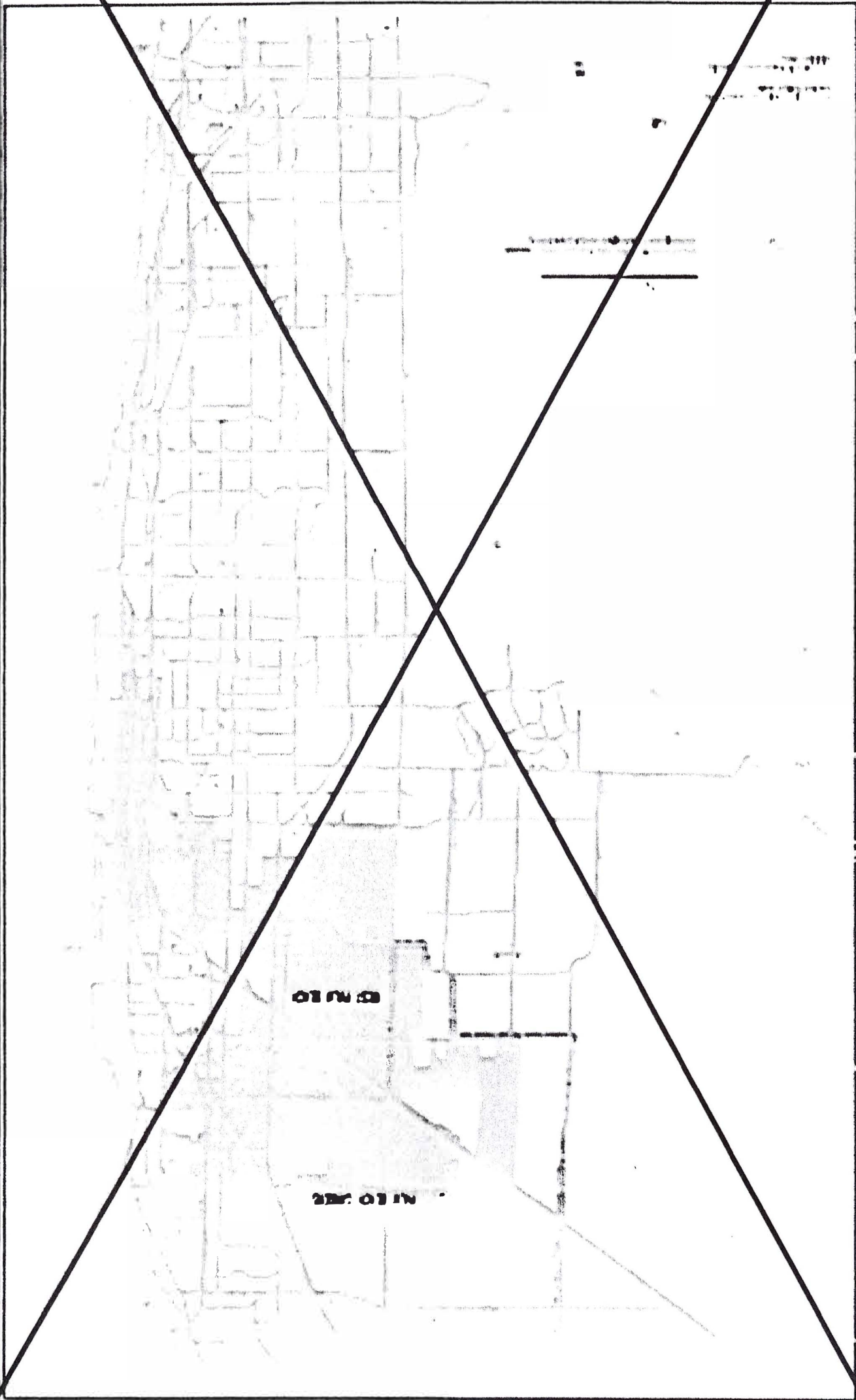
10. REVISED Map LS 1.1: The library facilities location map is updated to reflect that a new county and a new municipal library facility have been constructed since the last amendment round.

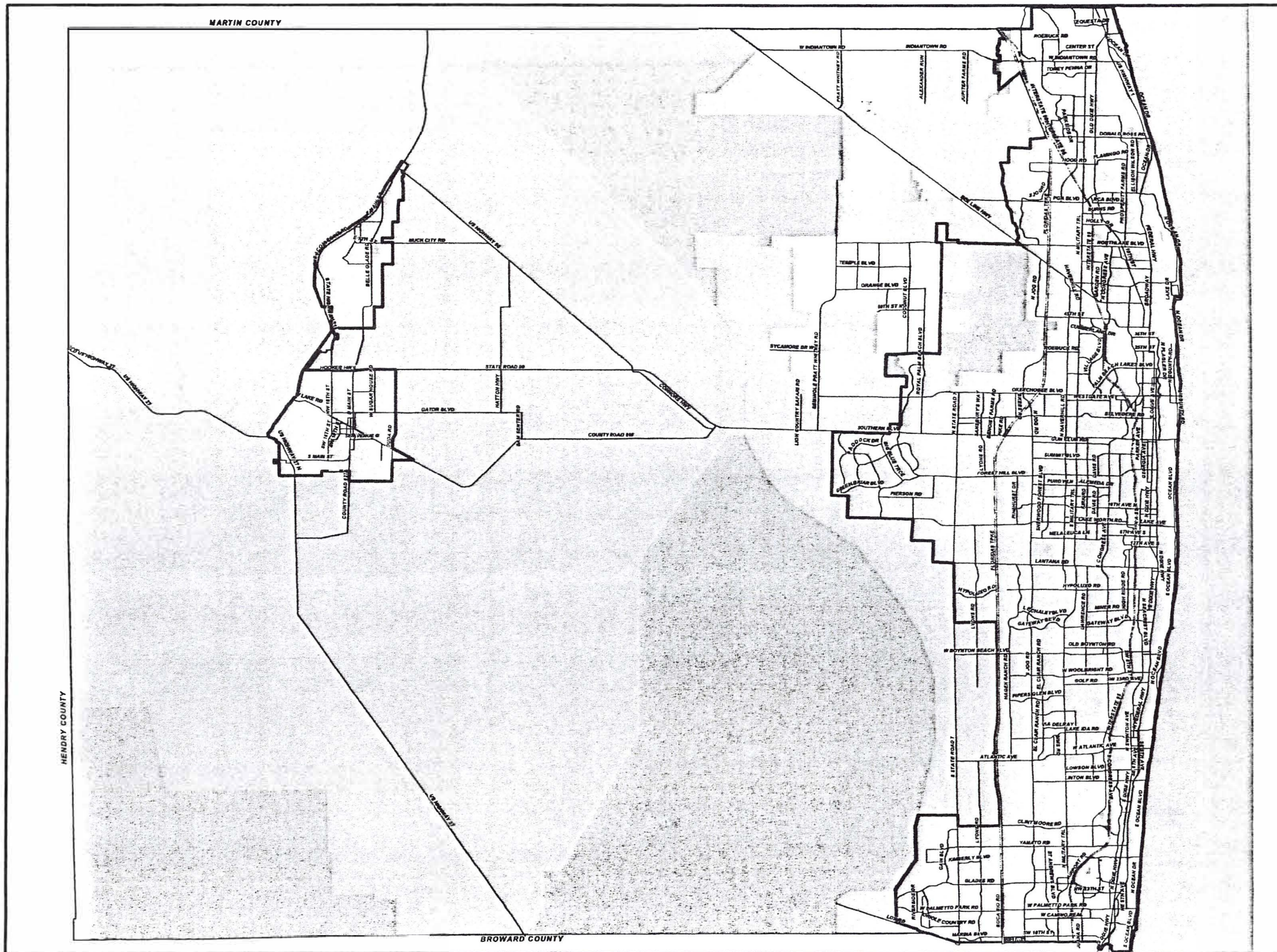
F. Map Series Revisions, to update several maps in the Map Series:

1. Delete a map from the Comprehensive Plan Map Series titled "ICE 1.1 Western Northlake Boulevard Corridor Planning Area"
2. Add the Palm Beach County/Greenacres/Atlantis Study to the Special Planning Areas Map, LU 3.1.
3. Revise the name of the "Revitalization & Redevelopment Overlay" to the "Revitalization & Redevelopment Infill Overlay" on the Managed Growth Tier Systems Map, LU 1.1



MAP 111 11
Western Northland Boulevard
Crested Planning Area





MAP LU 1.1 MANAGED GROWTH TIER SYSTEM

- Urban/Suburban Tier
- Exurban Tier
- Rural Tier
- Agricultural Reserve Tier
- Glades Tier
- United Technologies Area Overlay/
North PBC General Aviation Airport/
Scientific Community Overlay
Limited Urban Service Area
- Revitalization & Redevelopment
Infill Overlay
- Conservation
- Urban Service Area Boundary

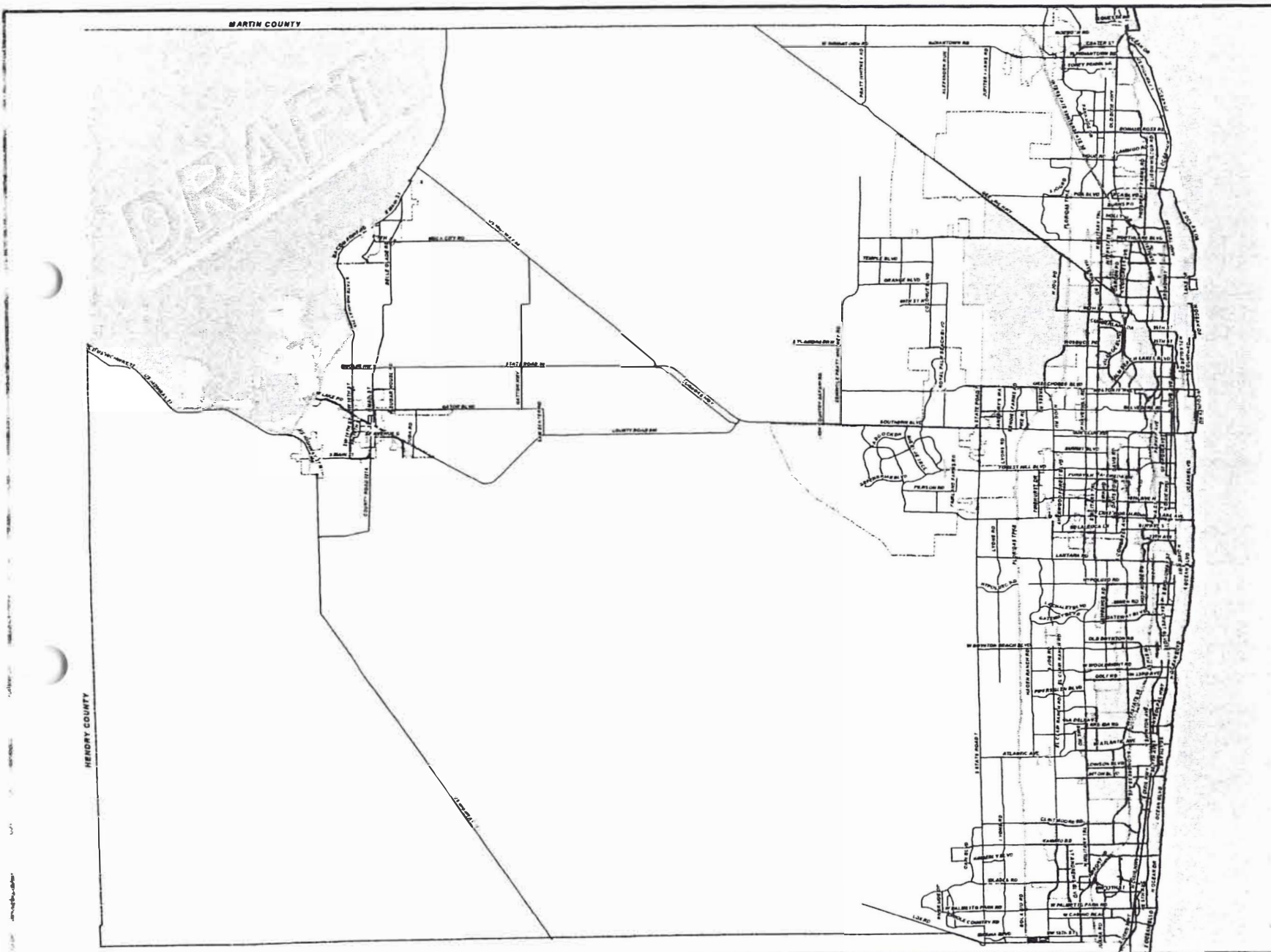
SOURCES:
PBC Planning Division
PBC Dept. of Environmental Resources Management
South Florida Water Management District
Intergovernmental Plan Amendment Review Committee
Last Amended in Round 08-1 by Ord. T80







PALM BEACH COUNTY COMPREHENSIVE PLAN MAP SERIES



Effective Date: TBD
Filmmaker: N. Wilson Services LLC/Adapted
Contact: PBC Planning Dept.



**MAPS 1.1
PALM BEACH COUNTY
LIBRARY SYSTEM**

-  Existing Libraries within the PBC Library System
-  Existing Municipal Libraries within the Library Cooperative of the Palm Beaches
-  Municipalities in PBC Library District
-  Municipalities Not in PBC Library District

9/5/96 (4/11/04)
SOURCE: PBC Library Department
Last Amended to Revised 96-1 by Chel TBC



**PALM BEACH COUNTY
COMPREHENSIVE PLAN
MAP SERIES**



Checked Date: 10/0
Reviewed by: Map Amendment/Development
Contact: PBC Planning Dept.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk & Comptroller certify
this to be a true and correct copy of the original
as filed in my office on **AUG 21 2006**
dated at West Palm Beach, Fla. **9-7-2006**
Sharon R. Bock
Deputy Clerk